

# LEGAL STATEMENTS

## Directory Information Notice

The items listed below are designated as Directory Information and may be released at the discretion of the College. Under the provisions of the Family Educational Rights and Privacy Act of 1974, as amended (FERPA), students have the right to withhold the disclosure of any or all of the categories of Directory Information. Written notification to withhold Directory Information must be received by the Registrar.

Directory information includes: the student's name, address, telephone number, email address, date and place of birth, photograph, major field of study, participation in officially recognized activities and sports, weight and height of members of athletic teams, dates of attendance, class level (i.e., first-year, second-year), enrollment status (i.e., full-time or part-time status), degrees, honors and awards received, and the most recent previous educational agency or institution attended by the student.

A request to withhold all of Directory Information in no way restricts internal use of the material by the College such as the release of academic information to College officials whose positions justify such release of information to them, or to College committees charged with the selection of students for College and National Honor Societies.

Please see Family Educational Rights and Privacy Act (FERPA) – Privacy of Student Records below for further information.

## Family Educational Rights and Privacy Act (FERPA) – Privacy of Student Records

The Family Educational Rights and Privacy Act of 1974, as amended (FERPA) gives eligible students certain rights to their education records. These rights are:

1. **The right to inspect and review the student's education records within 45 days of the day the College receives a request for access.** A student should submit a written request to the department that maintains the record(s) the student wishes to inspect. The department will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not maintained by the College official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be made.
2. **The right to request the amendment of the student's education records that the student believes are inaccurate or misleading or otherwise in violation of the student's privacy rights under FERPA.** Students may ask the College to amend a record that they believe is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA. They should write to the Registrar, clearly identify the part of the record they want changed, and specify why it is inaccurate or misleading. If the College decides not to amend the record as requested by the student, the College will notify the student of the decision and advise the student of his or her right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing. **Note:** The right to challenge grades does not apply under FERPA unless the grade assigned was inaccurately recorded.
3. **The right to consent to disclosures of personally identifiable information contained in the student's education records, except to the extent that FERPA authorizes disclosure without consent.**

One exception that permits disclosure without consent is disclosure to school officials with legitimate educational interests. A school official is defined as a person employed by the College in an administrative, supervisory, academic or research, or support staff position (including law enforcement unit personnel and health staff); a person serving on the Board of Trustees; a student serving on an official committee. A school official also may include a volunteer or a person or company with whom the College has contracted as its agent to provide a service or function instead of using College employees or officials and who is under the direct control of the College with respect to the use and maintenance of personally identifiable information from education records (such as an attorney, auditor, or collection agent or student volunteering to assist another school official in performing his or her tasks). A school official has a legitimate educational interest if the official needs to review an educational record in order to fulfill his or her professional responsibilities for the College.

FERPA permits the disclosure of personally identifiable information (PII) from students' education records, without consent of the student, if the disclosure meets certain conditions found in § 99.31 of the FERPA regulations:

  - a. To authorized representatives of the U.S. Comptroller General, the U.S. Attorney General, the U.S. Secretary of Education, or State and local educational authorities, such as a State postsecondary authority that is responsible for supervising the State-supported education programs. Disclosures under this provision may be made, subject to the requirements of §99.35, in connection with an audit or evaluation of Federal- or State-supported education programs, or for the enforcement of or compliance with Federal legal requirements that relate to those programs. These entities may make further disclosures of PII to outside entities that are designated by them as their authorized representatives to conduct any audit, evaluation, or enforcement or compliance activity on their behalf. (§§ 99.31(a)(3) and 99.35)
  - b. In connection with financial aid for which the student has applied or which the student has received, if the information is necessary to determine eligibility for the aid, determine the amount of the aid, determine the conditions of the aid, or enforce the terms and conditions of the aid. (§ 99.31(a)(4))
  - c. To organizations conducting studies for, or on behalf of, the College, in order to: (a) develop, validate, or administer predictive tests; (b) administer student aid programs; or (c) improve instruction. (§ 99.31(a)(6))
  - d. To accrediting organizations to carry out their accrediting functions. (§ 99.31(a)(7))
  - e. To parents of an eligible student if the student is a dependent for IRS tax purposes. (§ 99.31(a)(8))
  - f. To comply with a judicial order or lawfully issued subpoena. (§ 99.31(a)(9))
  - g. To appropriate officials in connection with a health or safety emergency, subject to § 99.36. (§ 99.31(a)(10))
  - h. Information the school has designated as "directory information" under § 99.37. (§ 99.31(a)(11)). Please see the College's Directory Information Notice above.

- i. To a victim of an alleged perpetrator of a crime of violence or a non-forcible sex offense, subject to the requirements of § 99.39. The disclosure may only include the final results of the disciplinary proceeding with respect to that alleged crime or offense, regardless of the finding. (§ 99.31(a)(13))
  - j. To the general public, the final results of a disciplinary proceeding, subject to the requirements of § 99.39, if the College determines the student is an alleged perpetrator of a crime of violence or non-forcible sex offense and the student has committed a violation of the College's rules or policies with respect to the allegation made against him or her. (§ 99.31(a)(14))
  - k. To parents of a student regarding the student's violation of any Federal, State, or local law, or of any rule or policy of the College, governing the use or possession of alcohol or a controlled substance if the College determines the student committed a disciplinary violation and the student is under the age of 21. (§99.31(a)(15))
4. **The right to file a complaint with the U.S. Department of Education concerning alleged failures by the College to comply with the requirements of FERPA as they pertain to access and disclosure of student's education records.** Students who believe their rights under the Family Educational Rights and Privacy Act have been violated may file a written complaint with the

Student Privacy Policy Office  
U.S. Department of Education  
400 Maryland Avenue  
Washington, D.C. 20202

## Clery Act Statement

Holy Cross is committed to assisting all members of the Holy Cross community in providing for their safety and security. Information regarding campus safety and security is available upon request or can be found on the Holy Cross website.

The College publishes an Annual Security and Fire Safety Report each year. The Annual Security and Fire Safety Report discloses information about campus safety and security including crime prevention, public safety law enforcement authority, crime-reporting policies, disciplinary procedures, security policies and statistics concerning reported crimes that occurred on campus, on college-controlled property, and on public property immediately adjacent to campus, campus fire safety policies and procedures and fire statistics for each residence hall. A paper copy of the report may be obtained by contacting the Department of Public Safety as described below or online. The College maintains a log of all fires that occur in on-campus housing, and a daily log of all reported crimes. The Department of Public Safety issues timely warnings to the campus community, and when necessary, has the ability to issue alerts via an emergency notification mass-messaging system.

If you would like a paper copy of the Annual Security and Fire Safety, please contact:

The Department of Public Safety at Holy Cross  
Lower Level of the Jo Recreation Center - Gate 7 entrance  
Worcester, MA 01610-2395  
or telephone (508) 793-2224.

The Annual Security and Fire Safety Report can also be found online: <https://www.holycross.edu/campus-life/public-safety/annual-security-and-fire-safety-reports> (<https://www.holycross.edu/document/annual-security-and-fire-safety-report/>).

## Harassment Policies

### Sexual Misconduct Policy and Equal Opportunity and Discriminatory Harassment Policy

Holy Cross prides itself as a community that nurtures the growth and development of all its members. In such a community, each individual is entitled to respectful treatment from others in an environment free from harassment.

Unlawful discrimination, harassment, including sexual harassment and sexual violence, and retaliation are prohibited and will not be tolerated at the College. Such behavior violates College policies and may result in disciplinary action, up to and including termination or dismissal from the College. To review the College's policies regarding discrimination and harassment and related investigation and resolution procedures, please see the following links: Sexual Misconduct Policy (<https://www.holycross.edu/document/2021-sexual-misconduct-policy/>) and Equal Opportunity and Discriminatory Harassment Policy (<https://www.holycross.edu/document/2021-equal-opportunity-and-discriminatory-harassment-policy/>). For further information, including contact information for the Director of Title IX and Equal Opportunity who oversees the College's compliance with federal and state non-discrimination and equal opportunity laws, please see the Nondiscrimination Statement section of this catalog.

### Director of Title IX and Equal Opportunity

The Office of the Director of Title IX and Equal Opportunity supports the College's commitment to a safe and inclusive community as evidenced by the College's Sexual Misconduct Policy. The work of the Office is aligned with the mission of the College, where students are challenged to answer the question "What are our obligations to one another?" Respect for, and obligation to, another individual is the foundation of healthy relationships and the key to prevention.

The Director of Title IX and Equal Opportunity (who is also the Title IX Coordinator) supports the College community through policy, education, and response. The Director manages the College's Sexual Misconduct Policy and collaborates with multiple departments on providing resources for those affected by sexual misconduct as well as educational opportunities for the prevention of sexual misconduct. The Director also manages concerns and complaints by all community members that relate to sexual misconduct and manages the response, investigation and resolution of complaints.

The Director of Title IX and Equal Opportunity welcomes your questions and encourages all community members to understand the Sexual Misconduct Policy, including the definitions of prohibited behaviors, available resources to support community members, and the process for the investigation and resolution of complaints. If you would like to learn more, please stop by our office or make an appointment.

#### Derek Debobes

Director of Title IX and Equal Opportunity  
College of the Holy Cross  
Hogan Campus Center- Suite 506  
Worcester, MA 01610  
508-793-3336

ddebobes@holycross.edu

## Nondiscrimination Statement

The College of Holy Cross rejects and condemns all forms of harassment, wrongful discrimination, retaliation and disrespect and is committed to sustaining a welcoming environment for everyone and especially for those vulnerable to discrimination on the basis of race, religion, color, national origin, age, marital or parental status, veteran status, sex, disabilities, genetic information, sexual orientation or gender identity. It is the policy of the College to adhere to all applicable state and federal laws prohibiting discrimination. The College does not discriminate unlawfully in admission to, access to, treatment in or employment in its programs and activities on the basis of a person's race, religion, color, national origin, age, marital or parental status (including pregnancy and pregnancy related conditions<sup>1</sup>), veteran status, sex, disability, genetic information, sexual orientation or gender identity or any other legally protected status, while reserving its right where permitted by law to take action designed to promote its Jesuit and Catholic mission.

Unlawful discrimination, harassment, including, but not limited to sexual violence and sexual misconduct, and retaliation are prohibited and will not be tolerated at the College. Such behavior violates College policies and may result in disciplinary action, up to and including termination or dismissal from the College. To review the College's policies regarding discrimination and harassment and related investigation and resolution procedures, please see the following links: Sexual Misconduct Policy (<https://www.holycross.edu/sexual-respect-and-title-ix/overview/>) and discriminatory harassment policy.

The College has designated the Title IX and Equal Opportunity (who also serves as the College's Title IX Coordinator and ADA/504 Coordinator) to oversee its compliance with state and federal non-discrimination and equal opportunity laws including, but not limited to, Title IX of the Education Amendments Act of 1972 (Title IX) Section 504 of the Rehabilitation Act of 1973 (504), the Americans with Disabilities Act of 1990 (ADA) and the Age Discrimination Act. Anyone with questions, concerns or complaints regarding discrimination, discriminatory harassment or retaliation may contact the Director of Title IX and Equal Opportunity.

### Derek DeBobes

Director of Title IX and Equal Opportunity  
College of the Holy Cross  
Hogan Campus Center- Suite 506  
Worcester, MA 01610  
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For more information, please visit the Sexual Respect and Title IX website (<https://www.holycross.edu/sexual-respect-and-title-ix/>) (<https://www.holycross.edu/sexual-respect-and-title-ix/>).

In addition to the College's policies and procedures regarding discrimination and harassment, individuals who believe that they have been subjected to unlawful discrimination, harassment, or retaliation may file a complaint with government authorities by contacting the appropriate agency listed below:

### The U.S. Department of Education

Office for Civil Rights  
5 Post Office Square, 8th Floor  
Boston, MA 02109-1424  
(617) 289-0111

Fax (617) 289-0150; TDD (877) 521-2172  
ocr.boston@ed.gov

### Equal Employment Opportunity Commission

John F. Kennedy Federal Building,  
475 Government Center  
Boston, MA 02203  
(617) 565-3200/(800) 669-4000

### Massachusetts Commission Against Discrimination

Worcester City Hall  
484 Main Street, Rm. 320  
Worcester, MA 01608  
(508) 453-3630

Boston Office  
One Ashburton Place  
Sixth Floor, Room 601  
Boston, MA 02108  
(617) 994-6000

Springfield Office  
436 Dwight Street  
Second Floor, Room 220  
Springfield, MA 01103  
(413) 739-2145

New Bedford Office  
800 Purchase Street  
Room 501  
New Bedford, MA 02740  
(508) 990-2390

## Office of the General Counsel

The Office of the General Counsel is responsible for providing all legal services, preventive legal guidance, and legal advice to the College on a broad spectrum of legal issues that arise in its operation. The Office of the General Counsel is also responsible for engaging the services of outside law firms for specialized legal needs as well as coordinating and supervising the work of outside counsel. The Office of the General Counsel represents the College in all legal matters. It does not represent students, faculty, or staff in personal matters or personally in matters relating to the College, except in those circumstances where the individual is named a defendant in litigation regarding actions taken in the course and scope of his or her employment at the College.

The Office of the General Counsel is located in O'Kane Hall, Room 175. Telephone (508) 793-3759, [esmall@holycross.edu](mailto:esmall@holycross.edu) or [mfrankel@holycross.edu](mailto:mfrankel@holycross.edu).

<sup>1</sup> This includes the right to reasonable accommodations in connection with pregnancy or a condition related to pregnancy including, but not limited to, lactation, or the need to express breast milk for a nursing child.